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74217 7590 10/15/2009 NOVAK, DRUCE + QUIGG L.L.P. - PERGO 1300 Eye Street, N.W. 1000 West Tower Washington, DC 20005				
EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CONTINUATION SHEET
To
Failure to Acceptably Respond to
Notice of Non-Compliant Amendment (37 CFR 1.121)
No New Time Period for Reply is Provided

Continuation of 4E Other: With respect to Boxes 4A and 4C above, the examiner notes that the "In the Claims" section of the "Substitute Amendment" filed 7/31/2009 is still not in compliance with 37 CFR 1.121(c) as the claims have not been amended correctly with respect to the immediately prior entered version of the claims (i.e., the listing of claims from the Preliminary Amendment filed 23 May 2006). More particularly, in the "Substitute Amendment", the claim now labeled as claim 9 is really claim 10, the claim labeled as claim 10 is really claim 11, the claim now labeled as claim 11 is really claim 12, and the unnumbered claim beginning in the approximate middle of line 5 of page 8, should be labeled as claim 13. Further, Applicant should have "9. (Cancelled)" and "16. (Cancelled)" in the claim listing, but should not have "13. (Cancelled)" in the claim listing (because Applicant's instructions on to top of page 6 of the "Substitute Amendment" instruct to cancel claims 8, 9, and 14-16 and to amend claims 1-7, 10, 12, and 13). Finally, the claim now labeled 10, which should be relabeled as claim 11 as noted above, has the wrong status identifier of "(Previously Presented)", but should have the status identifier of "(Currently Amended)".

/Gay Ann Spahn/
Gay Ann Spahn, Primary Examiner
October 9, 2009